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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,084	05/31/2001	Craig S. Cambier	40405.830021.000	3830

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EXAMINER

BRINEY III, WALTER F

ART UNIT	PAPER NUMBER
2644	

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/872,084

Applicant(s)

CAMBIER ET AL.

Examiner

Walter F Briney III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg (US Patent 6,424,646) in view of Nishikawa (US Patent 4,272,656).

Claim 1 is limited to a **telecommunications system, comprising: a digital subscriber line**; Gerszberg discloses a communication network (i.e. telecommunications system) with a DSL line (figure 5, element SA-DSL). **A plurality of analog telephone terminals**; Gerszberg discloses a plurality of analog telephones (figure 5, elements 15A-n). **At least one digital data terminal**; Gerszberg discloses digital data terminals (figure 5, elements 14A-n). Gerszberg discloses supplying power from the central office during lifeline situations (column 4, lines 56-60). Therefore, Gerszberg discloses all limitations of the claim with the exception of **a power supply having a high voltage alternating current input and a low voltage direct current output**; Nishikawa teaches that modern central offices supply power with AC power (i.e. high power alternating current) that is converted into DC (i.e. low voltage direct current) (Nishikawa, column 1, lines 11-24). It would have been obvious to one of ordinary skill in the art to supply power from the central office using the AC/DC power conversion method as taught by Nishikawa for the purpose of supplying power in case of lifeline

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situations. **A telecommunications customer service terminal**; Gerszberg discloses an Intelligent Services Director (ISD) (i.e. customer service terminal) (column 2, line 65-column 3, line 22). **Having a signal-input terminal for connection to said digital subscriber line**; Gerszberg discloses connecting the DSL line to the ISD (figure 5, elements SA-DSL and 22 and column 2, line 65-column 3, line 22). **Having a plurality of analog telephone output terminals for connection to individual ones of said plurality of analog telephone terminals**; Gerszberg discloses connecting the ISD to a plurality of analog terminals (figure 5, elements 15A-n and column 9, lines 28-57). **Having at least one digital data output terminal for connection to said at least one digital data terminal**; Gerszberg discloses connecting the ISD to at least one digital data terminal (figure 5, elements 14A-n and column 9, lines 28-57). **Having a low voltage direct current power input terminal for connection to said a low voltage direct current output of said power supply**; Gerszberg discloses providing the ISD with power from the central office in case of lifeline situations (column 4, lines 56-60). **Said telecommunications customer service terminal being constructed in the absence of an on/off switch, such that said telecommunications customer service terminal remains continuously active so long as a low voltage direct current is continuously supplied to said low voltage direct current power-input terminal**; Gerszberg discloses an ISD (i.e. customer service terminal) that is always on (i.e. built in absence of on/off switch) so long as power is supplied, it works (column 13, lines 35-55). **A length of telephone wire connecting said signal-input terminal of said telecommunications customer service terminal to said digital subscriber line**;

Gerszberg discloses connecting the ISD to the DSL line, which is carried on a twisted pair (i.e. telephone wire) (column 2, line 65-column 3, line 4). **A plurality of lengths of telephone wire connecting individual ones of said analog telephone output terminals of said telecommunications customer service terminal to individual ones of said plurality of analog telephone terminals;** Gerszberg discloses connecting the ISD to the analog terminals (figure 5, elements 15A-n) with TIP/RING lines (i.e. telephone wire) (column 9, lines 28-57). **At least one length of telephone wire connecting said at least one digital data output terminal of said telecommunications customer service terminal to said at least one digital data terminal;** Gerszberg discloses connecting the digital terminals (14A-n) to the ISD with Ethernet lines (i.e. telephone wire) (column 9, lines 28-57). **A length of telephone wire connecting said low voltage direct current power terminal of said telecommunications customer service terminal to said low voltage direct current output of said power supply;** Gerszberg discloses connecting the ISD to the central office that is supplying power with a twisted pair in case of lifeline situations (i.e. telephone wire) (column 4, lines 56-60). Therefore, Gerszberg in view of Nishikawa discloses all limitations of the claim.

Claim 4 is essentially the same as claim 1 and is rejected for the same reasons.

Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg in view of Nishikawa as applied to claim 1 above, and further in view of Suntop (US Patent 3,932,712).

Claim 2 is essentially the same as claim 1 and is rejected for the same reasons. Therefore, Gerszberg in view of Nishikawa discloses all limitations of the claim with the exception of **a length of AWG telephone wire connecting said low voltage direct current input terminal of said telecommunications customer service terminal to said low voltage direct current output of said power supply**; Suntop teaches to use AWG telephone wire of a suitable grade between the central office and the ISD to provide power for the purpose of meeting the distance needs between the central office and customer's premises (column 3, lines 4-14). It would have been obvious to one of ordinary skill in the art at the time of the invention to use suitable AWG telephone wire for the purpose of providing the correct wire gauge for the distance between the central office and the customer's premises.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg in view of Nishikawa and in further view of Suntop as applied to claims 2 and 4 respectively above, and further in view of Williams et al. (US Patent 5,216,704).

Claim 3 is limited to **the telecommunications system of claim 2**, as covered by Gerszberg in view of Nishikawa and in further view of Suntop. Therefore, Gerszberg in view of Nishikawa and in further view of Suntop discloses all limitations of the claim with the exception of **wherein said telecommunications customer service terminal is constructed in the absence of an on/off switch, such that said telecommunications customer service terminal remains continuously active so long as a low voltage direct current is continuously supplied to said low voltage direct current power input terminal**; Gerszberg discloses an ISD (i.e. customer

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service terminal) that is always on (i.e. built in absence of on/off switch) so long as power is supplied, it works (column 13, lines 35-55). **Wherein said power supply includes: a manually-removable battery pack that is operable to supply a low voltage direct current to said low voltage direct current input terminal of said telecommunications customer service terminal upon failure of said high voltage alternating current input to said power supply;** Nishikawa teaches backing up the AC power of the central office with batteries (i.e. supplying direct current upon failure of alternating current) (Nishikawa, column 1, lines 11-24). **Said battery pack being replaceable with a different battery pack when said battery pack becomes discharged or relatively discharged in the presence of a failure of said high voltage alternating current input to said power supply;** Williams teaches that batteries used in a power backup system under a power failure need to be replaced because they have a finite life (column 5, lines 3-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the battery pack used in a power backup system under power failure with a different battery pack for the purpose of compensating for the finite life of a battery.

Claim 5 is essentially the same as claim 3 and is rejected for the same reasons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F Briney III whose telephone number is 703-305-0347. The examiner can normally be reached on M-F 8am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

WFB
10/30/03


XU MEI
PRIMARY EXAMINER